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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,799	10/25/2001	Robert A. Beck	WOW-002XX	7498
207 7590 02/18/2004 WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			EXAMINER TOOMER, CEPHIA D	
			ART UNIT 1714	PAPER NUMBER

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/055,799	Applicant(s) BECK ET AL.	
	Examiner Cephia D. Toomer	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 58-63 and 65-85 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 10, 11, 14, 16-22, 24-26, 29-33, 38-42, 45-50, 52-54, 57, 64 and 86-88 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 9, 12, 13, 15, 23, 27, 28, 34-37, 43, 44, 51, 55, 56 and 89-92 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office action is in response to amendment filed November 6, 2003 in which claim 32 was amended and claims 58-92 were added.

Claim Rejections - 35 USC § 102

1. Claims 16, 17, 32, 38-42 and 46 are rejected under 35 USC 102(e) as being anticipated by Bendiner (US 6,500,360) for the reasons of record and the following comments.
2. Claims 1-3, 6, 10, 14, 19-21, 25, 29, 30, 32, 33, 38, 39, 40, 41, 46-48 and 57 are rejected under 35 USC 102(b) as being anticipated by Stricklin (US 4,374,174) for the reasons of record and the following comments.
3. Claims 1, 3, 4, 6, 7, 10, 11, 14, 16, 17, 20, 22, 24-26, 29-33, 41 and 45-47 are rejected under 35 USC 102(b) as being anticipated by Treybig (US 4,676,834) for the reasons of record and the following comments.

Applicant argues that Bendiner does not teach a material capable of forming a moisture retentive barrier.

The examiner agrees and has withdrawn the rejection of those claims that are directed to such a material.

4. Applicant's arguments have been considered but are not deemed persuasive.

Applicant argues that the examiner has not provided any evidence that the polar and non-polar solvents of Stricklin form a moisture retentive barrier.

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The examiner maintains that if the polar and non-polar solvents of the present invention function as moisture retentive barriers then those of Stricklin inherently possess this property. Stricklin teaches that the sheets of his invention, which are impregnated with the anti-corrosion agent, may be paper, Kraft paper, plastic, etc. These sheets along with the anti-corrosion agent prevent water spotting and corrosion of metals (see col. 2, line 6-18, 28-40). This teaching shows that the anticorrosive agent performs as a moisture retentive barrier.

Applicant argues that Treybig fails to teach that the carrier liquids, additives and solvents of his invention are capable of forming a moisture retentive barrier.

Treybig teaches alcohols and aromatic and aliphatic hydrocarbons as suitable carriers and solvents. Treybig also teaches that viscosifiers and polymeric materials that function as corrosion inhibitor can be employed in the composition.

Applicant defines the compounds capable of forming a moisture retentive barrier as polar and non-polar liquids, a viscous material, organic liquid, a polymeric material and a petroleum-based substance. The compounds of Treybig (solvents, viscosifiers and polymeric material) all fall under one or more category of applicants compounds and if these compounds of Applicant possess moisture retentive barrier properties, the compounds of Treybig would inherently possess these properties.

5. Claims 17, 18, 32, 38-40, 42, 45, 46, 48-50, 52, 53, 54, 64 and 86-88 are rejected under 35 U.S.C. 102(b) as being anticipated by Goyette (US 4,592,915).

Goyette teaches a process for stabilizing against oxidation of a foodstuff, such as grain. The process comprises treating the grain with a composition comprising

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Ethoxyquin, sorbic acid or K salt thereof (transhexadiene moieties) and alcoholic solvents (glycols and alkanols) (see abstract, col. 2, lines 22-68). The composition may be a solid or an emulsifiable liquid composition (see col. 2, lines 19-21). Ethoxyquin is an antioxidant, K sorbate or sorbic acid is utilized as a fungicide and the alcoholic compound, propylene glycol, has anti-microbial properties (see col. 2, lines 23-25, col. 2, lines 47-49, 60-68). The composition may be applied by incremental spraying (see col. 3, lines 59-64; col. 4, lines 20-25). The composition contains from 0.00025 – 0.1 percent of alkali metal sorbate or sorbic acid (see col. 4, lines 38-40).

Accordingly, Goyette teaching all the limitations of the claims anticipates the claims.

6. Claims 5,8,9, 12, 13, 15, 23, 27, 28, 34-37, 43, 44, 51, 55, 56, 89-92 are objected to because they are dependents of rejected base claims.

Claims 58-63 and 65-85 are allowable,

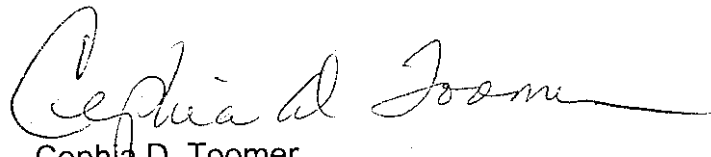
The prior art fails to teach a method of preventing oxidative corrosion of metal where in the composition is a powder packaged for delayed release or encapsulated. The prior art fails to teach or suggest further coating the material or using the composition as a pump oil or brake fluid. The prior art fails to teach or suggest a composition for preventing oxidative degradation of a substance wherein the additional material is capable of acting in conjunction with the anti-corrosion agent is the claimed polymeric material or that the composition is packaged for delayed release or encapsulated.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cephia D. Toomer
Primary Examiner
Art Unit 1714

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